IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.2036 OF 2006

Dr.M. Venkateswarlu — Petitioner
vs.
Union of India & ors. — Respondents

Mr.Ramesh Ramamurthy with Mr.Saikumar Ramamurthy for the petitioner.

Mr.Girish Kulkarni with Ms.Ritu Singh for the respondents.

CORAM : F.I.REBELLO &
ANOOP V. MOHTA,JJ.

DATED : 21st August, 2006

P.C.

The petitioner applied for change in his date of birth in Government service record. Earlier the matter was under consideration, but subsequently by order dated 28th February, 1994, the petitioner was informed that his request cannot be considered in the light of the judgement of the Supreme Court. The petitioner once again made representation and that representation also came to be rejected by order dated 20th May, 1999 pursuant to which an O.A. was filed being O.A. No.337/2001. That O.A. came to be dismissed by order dated 20th June, 2006 based on which the present petition is filed.

2. It is the case of the petitioner that he had sought for correction of his date of birth based on a judgment of Civil Court which was passed on a certificate issued

by the concerned municipality of the area where he was born. The learned Tribunal noted that the Government of India issued the circular under which a time limit was set out for correction of date of birth in service records. That circular came up for consideration before the Supreme Court in **Union of India vs. Harnam Singh, (1993) 24 Administrative Tribunals Cases 92**. The learned Supreme Court observed that in those cases where the employee had joined service before 30th November, 1979 and had applied for correction of date of birth after 1979 will have to be given a reasonable time and the reasonable time would be 5 years. The learned Tribunal found, in the instant case, that the application was made after the period of 5 years. The learned counsel for the petitioner submits that the time taken by him for getting his date corrected before the Civil Court should be excluded. We find no reason to interfere with the impugned order as it does not suffer from any error apparent on the face of the record as the learned Tribunal has followed the ratio laid down in Harnam Singh (supra).

3. With the aforesaid observation, the petition stands dismissed.

(F.I. REBELLO, J.)

(ANOOP V. MOHTA,J.)